

Message Text

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ACTION EA-09

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E.O. 11652: N/A
TAGS: BDIS, TW
SUBJECT: JAMES SPIVEY INC. VS. HSIN MARKS ENTERPRISE
CO., LTD., TAIPEI

REF : STATE 21619

1. EMBASSY HAS CONTACTED HSIN MARKS ENTERPRISE COMPANY, LTD. WHICH STATES THAT PROBLEM ORIGINATED WHEN M. V. PIONEER EAGLE WAS ALLEGEDLY UNABLE TO SAIL BECAUSE OF MACHINERY PROBLEMS. DURING THE ENSUING PERIOD THE SHIPPING COMPANY APPARENTLY RAN OUT OF FUNDS AND IS NOW FACED WITH LEGAL ACTION. UNTIL LEGAL TANGLE RESOLVED HSIN MARKS STATES THEY ARE UNABLE TO RECOVER THE CARGO FROM THE SHIP. HSIN MARKS FURTHER STATES THEY HAVE TELEXED A FULL EXPLANATION TO SPIVEY.

2. SUBSEQUENT TO TALKING WITH HSIN MARKS THE EMBASSY CONTACTED THE MINISTRY OF COMMUNICATIONS AND THE KEELUNG HARBOR BUREAU WHICH ARE ATTEMPTING TO RESOLVE THE SITUATION. THE HARBOR BUREAU INFORMS US THAT THEY SUGGESTED THAT THE CARGO BESHIFTED TO ANOTHER SHIP, A SUGGESTION WHICH WAS REJECTED BY THE CARGO OWNERS BECAUSE OF THE EXPENSE INVOLVED IN UNLOADING AND RELOADING THE CARGO. INSTEAD THE CARGO OWNERS APPARENTLY ARE ATTEMPTING TO RAISE MONEY FOR THE PIONEER NAVIGATION COMPANY SO THAT THE M.V. PIONEER EAGLE CAN SAIL. THE HARBOR BUREAU WILL HOLD ANOTHER MEETING WITH THE CARGO

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OWNERS IN THE NEAR FUTURE IN AN EFFORT TO REACH A SOLUTION.

3. THE EMBASSY ALSO APPROACHED THE BOARD OF FOREIGN TRADE TO EXPRESS OUR INTEREST ON BEHALF OF SPIVEY TO RESOLVE THIS SITUATION. THEY INFORMED US THAT THEY WOULD TAKE NO ACTION AS THIS PROBLEM WAS UNDER THE JURISDICTION OF

THE MINISTRY OF COMMUNICATIONS UNDER WHICH THE HARBOR
AUTHORITY OPERATES.

4. WE WILL CONTINUE TO PRESS THE HARBOR AUTHORITY TO FIND
A SOLUTION. IT APPEARS THAT A SOLUTION IS POSSIBLE WITHIN
A PERIOD OF WEEKS. IF THIS TIMING IS UNSATISFACTORY TO
SPIVEY, WE SEE LITTLE RECOURSE BUT TO LEGAL ACTION.
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